IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.14257 of 2003

Dated: 25-07-2007

Between:

M/s. Ramchander Laxminarayana Karva,
H.No.14-7-393/3, Begum Bazaar, Hyderabad,
rep. by its Partner Harikishan Karva, s/o late Laxminarayana,
r/o 14-7-393/4, Begum Bazaar, Hyderabad.

... Petitioner

and

1. The Principal Secretary,
   Excise Department, Secretariat Buildings,
   Hyderabad and 4 others.

... Respondents

ORDER:

Petitioner, a partnership firm, states that it has been carrying on business in jaggery and other commodities. It also states that on 24-06-2003 fourth respondent – Sub Inspector of Prohibition and Excise seized 146 lumps of jaggery along with an LMV Eicher Van bearing No.AP23T-5445 and registered a case in Crime No.368 of 2003-2004 against it, under Section 7(a) read with Section 8(b) of the Andhra Prohibition Act, 1995 and under Section 34(e) of the Andhra

Pradesh Excise Act, 1968. Since respondents and their subordinates are harassing it from carrying on business in black jaggery, alum and other commodities stating that they are prohibited under law and resorting to seize black jaggery and also registering cases against it, it filed the present writ petition.

2. Heard learned counsel for the parties.

3. May be it is true that black jaggery is used for manufacture of I.D. liquor, but on that premise, respondents cannot harass the traders who are dealing in black jaggery. Black jaggery is an agricultural produce and it is used in manufacturing so many items, such as biscuits, sweets, fodder, cattle feed, poultry feed, cement etc. When black jaggery is used in manufacturing of I.D. liquor, only then it becomes an offence under Section 34(e) of the Andhra Pradesh Excise Act. However, when it is in the shape of black jaggery it cannot be seized on a mere apprehension that it may be used in manufacture of I.D. liquor.

4. Accordingly, the writ petition is allowed and respondents are directed not to harass petitioner so long as it carries on business in black jaggery and sells it to various customers. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.25-07-2007
GLV